

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl No. : 10/067,362

Confirmation No. 8390

Applicant : David SCHENKEL et al.

Filed : February 7, 2002

TC/AU : 2154

Examiner : Larry D. Donaghue

Docket No. : 551P01US-P2D2

**RECEIVED**  
**CENTRAL FAX CENTER****JAN 19 2005**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Mail Stop Issue Fee  
Alexandria, VA 22313-1450  
U.S.A.

**Petition To Withdraw Holding Of Abandonment – No Fee Required**

Dear Sir:

This petition under 37 CFR §1.181 is filed in response to the Notice of Abandonment mailed January 3, 2005.

In that Notice, this application is held abandoned for failure to reply to the Notice of Allowance mailed August 13, 2004 for which a reply was due November 15, 2004.

It is respectfully requested that the Notice be withdrawn under 37 CFR §1.181, as the Issue Fee was filed by fax October 29, 2004. The enclosed Transaction Report shows that the faxed materials were received by the United States Patent and Trademark Office on October 29, 2004.

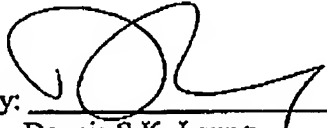
Copies are also enclosed of the Issue Fee papers as submitted by fax, and of the fax cover sheet.

Appl. No. 10/067,362  
Petition Dated January 19, 2005  
Reply to Notice of Abandonment dated January 3, 2005

If further papers or information are required, it is suggested that this can be dealt with most expeditiously by way of a telephone request to the undersigned.

Favourable consideration of this request, and reinstatement of this application is respectfully requested.

Respectfully Submitted,

By:   
Dennis S.K. Leung  
Reg. No. 47,325

C/O SHAPIRO COHEN  
P.O. Box 3440  
Station D  
Ottawa, ON K1P 6P1  
CANADA

Telephone: (613)232-5300

/DSKL/NR/ms

OCT 29 2004

File No



**TO:**

**Fax Sender at 613 563 9231**

### Fax Information

Date Received:

**Total Pages:**

10/29/2004 1:25:15 PM [Eastern Daylight Time]

2 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

COPY

Received  
Cover  
Page

AN

[illegible]

\*\* JOB STATUS REPORT \*\*

AS OF OCT 29 4 1:29 PM PAGE.01

JOB #988


DATE TIME  
001 10/29 1:28PTO/FROM  
17037464000 EC--SMODE  
01'00"PGS  
002STATUS  
OK**COPY**

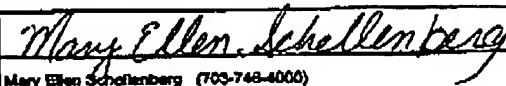
PTO/SB/21 (09-04)

Approved for use through 07/31/2005. ONE 0551-0331  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Promote Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	
Application Number	10067362
Filing Date	February 7, 2002
First Named Inventor	Nicholas DAWES
Art Unit	2154
Examiner Name	Larry D. DONAGHUE
Attorney Docket Number	531P01US-P202
(to be used for all correspondence after initial filing)	
Total Number of Pages in This Submission	4

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Motion, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Part B - Fee(s) Transmittal
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		
The Commissioner is hereby authorized to debit any underpayment or credit any overpayment to the USPTO deposit account no. 16-0600 should any additional fees be necessary.		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm Name	Shapiro Cohen	
Signature		
Printed name	Dennis S. K. Leung	
Date	October 29, 2004	Reg. No. 47,325

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	
Typed or printed name	Mary Ellen Schellenberg (703-746-4000)
Date	October 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to fee (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.